

1647 JFW

PTO/SB/21 (04-04)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/855,828
	Filing Date	May 14, 2001
	First Named Inventor	Creech, Christopher Dixon
	Art Unit	1647
	Examiner Name	Jon M. Lockard
	Attorney Docket Number	018512-006010US
Total Number of Pages in This Submission		

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Townsend and Townsend and Crew LLP Annette S. Parent Reg. No. 42,058
Signature	<i>Annette S. Parent</i>
Date	August 11, 2004

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Joy M. Marshall		
Signature	<i>Joy M. Marshall</i>	Date	August 11, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

PATENT
Docket No.: 018512-006010US

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

On August 11, 2004

TOWNSEND and TOWNSEND and CREW LLP

By: Jay M. Marshall

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Creech and Jegla

Application No.: 09/855,828

Filed: May 14, 2001

For: CNG3B: A NOVEL CYCLIC
NUCLEOTIDE-GATED CATION
CHANNEL

Confirmation No. 9660

Examiner: Jon M. Lockard

Art Unit: 1647

RESPONSE TO RESTRICTION
REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement mailed June 21, 2004, Applicants elect Group I, claims 1-9 and 18-19, drawn to polynucleotides, vectors, and host cells, classified in class 435, subclass 69.1, for example. A Petition to Extend Time for one month, from July 21, 2004 to August 21, 2004 is also enclosed.

The foregoing election is made with traverse, as the eight groups set forth by the Examiner all stem from a common concept and theory, and are thus related. As such, prosecution of the claims of Groups II-VIII would not place a substantially greater

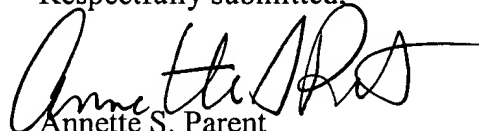
Appl. No. 09/855,828
Amdt. dated August 11, 2004
Reply to Office Action of June 21, 2004
Page 2

PATENT

burden on the Examiner. Applicants therefore respectfully request that the Examiner withdraw the Restriction Requirement and consider all the claims together.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,


Annette S. Parent
Reg. No. 42,058

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: (415) 576-0200
Fax: (415) 576-0300
ASP:jmm

60281335 v1